

Exhibit B



November 4, 2022

Nicole Haimson
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Via E-Mail

atrombettaart@gmail.com

Annamarie Trombetta

175 East 96th Street

Apt. 12R

New York, NY 10128

Re: **WorthPoint's Third Rule 37 Letter**
Annamarie Trombetta v. Norb Novocin, et.al.
Civil Action No.: 1:18-cv-00993-RA-SLC
Our File No.: 19701.00006

Dear Ms. Trombetta,

As you are aware, our firm represents WorthPoint Corporation ("WorthPoint") in connection with the above-captioned litigation.

We write in furtherance of our Supplemental Rule 37 letter dated September 22, 2022 to address additional deficiencies in your responses to the WorthPoint's various discovery demands and to discuss a few other outstanding discovery matters. Please note that pursuant to the Court's Order of November 2, 2022, we are not requesting a meet and confer as to these issues at this time.

WorthPoint's Deposition Demands

On October 31, 2022, under separate cover, we sent to you a letter detailing what we deem to be various deficiencies with respect to your responses to the discovery demands we made during your deposition (the "Deposition Demands"). Your response to that letter is outstanding. Please advise when we may expect to receive the response.

Plaintiff's Miscellaneous Document Productions

Via emails dated October 24th and 25th, 2022, you produced to us additional documents, Bates Stamped Plaintiff000389 to Plaintiff000593.

- It is presently unclear which of WorthPoint's discovery demands these documents are responsive to. Please indicate which Bates numbers are responsive to which of WorthPoint's discovery demands. Further, for each request, please advise whether this request has been fully responded to, i.e. whether you are in possession of any additional documents or information responsive to the demand.

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- Regarding Plaintiff000510, it appears you have made redactions to this document, but you have not marked the document as CONFIDENTIAL. Please provide the basis for these redactions and indicate whether you are designating this document as CONFIDENTIAL. As you are aware, pursuant to the Protective Order issued by the Court, confidential information is that which is proprietary, a trade secret, or otherwise sensitive non-public information. *See*, Dkt. No. 203. As such, to the extent the information you have redacted does not meet this criteria, WorthPoint reserves the right to challenge any redactions/confidentiality designation you make with respect to this document.
- This production also includes, among other things, copies of the parties' correspondence with the court, communications from our office, and the defendants' responses to your discovery demands (including documents/information which WorthPoint has designated as CONFIDENTIAL). Please note: there is no need to re-produce the parties' communications and discovery responses, and you cannot avoid the confidentiality designation assigned to these documents/information by reproducing them to us.

Via email dated October 28th, 2022, you produced to us additional documents, Bates Stamped Plaintiff000594 to Plaintiff000612.

- It is presently unclear which of WorthPoint's discovery demands these documents are responsive to. Please indicate which Bates numbers are responsive to which of WorthPoint's discovery demands. Further, for each request, please advise whether this request has been fully responded to, i.e. whether you are in possession of any additional documents or information responsive to the demand.

Via email dated October 30th, 2022, you produced to us additional documents, Bates Stamped Plaintiff000735 to Plaintiff000745.

- It is presently unclear which of WorthPoint's discovery demands these documents are responsive to. Please indicate which Bates numbers are responsive to which of WorthPoint's discovery demands. Further, for each request, please advise whether this request has been fully responded to, i.e. whether you are in possession of any additional documents or information responsive to the demand.
- Regarding Plaintiff000742, which you titled "Fourth Affidavit of Freddi Simon dated October 28, 2022 4 pages", we would request any prior versions or copies of this affidavit (including the first, second and third affidavits). If "Fourth" was a typo and you are in fact not aware of any prior versions of such affidavit, if any, please so advise.

WorthPoint's Supplemental Rule 37 Letter

Via email dated October 29, 2022, you responded to WorthPoint's Supplemental Rule 37 Letter and produced to us additional documents, Bates Stamped Plaintiff000613 to Plaintiff000734.

While you titled the response "WorthPoint's Corporation Supplemental Rule 37 Responses to Plaintiff's Evidence", we want to clarify for the record that these are actually Plaintiff's responses to WorthPoint's Supplemental Rule 37 Demands. Please confirm.



In addition, we have reviewed your responses and note that the following of our demands still remain outstanding:

The following documents you have produced are still incomplete and/or missing pages:

- **Plaintiff000018B-** pages 1-2 and 4-7 missing
 - In your response, you indicated “Plaintiff’s Evidence 18 B —is Page 3 of 7 Pages. Page 4 to 7 had 3 pages with No Image logos.” We are uncertain what this means but would request the entirety of this document, regardless of what is contained on the pages.
- **Plaintiff000051B-** page 2 missing
 - In your response, you indicated “Plaintiff’s Evidence 051 B —One Page.” However, in the lower right hand corner of this document, it clearly states “Page 1 of 2.”
- **Plaintiff000052-** page 2 missing
 - In your response, you indicated “Plaintiff’s Evidence 052 —One Page.” However, in the lower right hand corner of this document, it clearly states “Page 1 of 2.”
- **Plaintiff000053-** page 2 missing
 - In your response, you indicated “Plaintiff’s Evidence 053—One Page.” However, in the lower right hand corner of this document, it clearly states “Page 1 of 2.”
- **Plaintiff000054-** page 2 missing
 - In your response, you indicated “Plaintiff’s Evidence 054—One Page.” However, in the lower right hand corner of this document, it clearly states “Page 1 of 2.”
- **Plaintiff000055-** page 2 missing
 - In your response, you indicated “Plaintiff’s Evidence 055—One Page.” However, in the lower right hand corner of this document, it clearly states “Page 1 of 2.”
- **Plaintiff000056-** page 2 missing
 - In your response, you indicated “Plaintiff’s Evidence 056—One Page.” However, in the lower right hand corner of this document, it clearly states “Page 1 of 2.”
- **Plaintiff000057-** page 2 missing
 - In your response, you indicated “Plaintiff’s Evidence 057—One Page.” However, in the lower right hand corner of this document, it clearly states “Page 1 of 2.”
- **Plaintiff000058-** page 2 missing
 - In your response, you indicated “Plaintiff’s Evidence 058—One Page.” However, in the lower right hand corner of this document, it clearly states “Page 1 of 2.”
- **Plaintiff000062A-** page 2 missing
 - In your response, you indicated “Submitted in full—062 —Has NO page number on it.” However, in the lower right hand corner of this document, it clearly states “Page 1 of 2.”
- **Plaintiff000063-** page 2 missing
 - You did not address this request in your response.
- **Plaintiff000064-** pages 8-10 missing
 - In your response, you indicated “WorthPoint email sent to Plaintiff 10 Pages.” We are uncertain what this means but would request the entirety of this document, regardless of what is contained on the pages.
- **Plaintiff000066-** page 2 missing
 - In your response, you indicated “Plaintiff’s Evidence 066 —One Page” However, in the lower right hand corner of this document, it clearly states “Page 1 of 2.”



- **Plaintiff000067-** page 2 missing
 - In your response, you indicated “Plaintiff’s Evidence 067 —One Page” While the lower right hand corner of this document is folded, it appears to be one of multiple pages.
- **Plaintiff000068-** page 2 missing
 - In your response, you indicated “Plaintiff’s Evidence 068 —One Page” However, in the lower right hand corner of this document, it clearly states “Page 1 of 2.”
- **Plaintiff000069-** pages 1 and 4-7 missing
 - In your response, you indicated “Plaintiff’s Evidence 069 —As is.” We are uncertain what this means but note that in the lower right hand corner of this document, it clearly states “Page 2 of [cut off]”, which seems to indicate this is one of multiple pages.
- **Plaintiff000075A-** page 2 missing
 - In your response, you indicated “Plaintiff’s Evidence 75A —One Page” However, in the lower right hand corner of this document, it clearly states “Page 1 of 2.”
- **Plaintiff000085-00087-** incomplete, unknown number of pages missing
 - In your response, you indicated “Plaintiff’s Evidence 085 —This evidence is the Cover Photo of my Catalog—NO MISSING PAGES”, “Plaintiff’s Evidence 087 —One Page”, and “Plaintiff’s Evidence 086 and 87 —Submitted in Full—This is Plaintiff’s Catalog Biography”. However, the language of Plaintiff000086 and Plaintiff000087 is cut off, such that it appears multiple pages are missing. Please provide us with a full copy of your Catalog and Biography.
- **Plaintiff000147-** pages 2-3 missing
 - We acknowledge you have produced a copy of the current AskArt terms of service and internet privacy policy. However, Plaintiff000147 is dated July 10, 2020. Please confirm whether you are in possession of pages 2-3 from the version of this policy you accessed on July 10, 2020.
- **Plaintiff000148-** page 2 missing
 - We acknowledge you have produced a copy of the current AskArt DMCA infringement policy. However, Plaintiff000148 is dated July 10, 2020. Please confirm whether you are in possession of page 2 from the version of this policy you accessed on July 10, 2020.
- **Plaintiff000152-** page 2 missing
 - We acknowledge you have produced a copy of a recent Google search for “regina pacis Brooklyn history.” While Plaintiff000152 is undated, it appears to be the result of a search conducted in the past. Please confirm whether you are in possession of page 2 of the original search you conducted.
- **Plaintiff000157-Plaintiff000159-** pages 4-7 missing
 - You did not address this request in your response.
- **Plaintiff000161-162,** pages 4-8 missing
 - We acknowledge you corrected the order of the pages and produced pages 1-4 of this document, Bates Stamped Plaintiff000674-676. However, pages 4-8 are still missing. In your response, you indicated “Plaintiff’s Evidence 162-Page 4 -The other 4 pages were logos of ‘NO IMAGE AVAILABLE.’” We are uncertain what this means but would request the entirety of this document, regardless of what is contained on the pages.
- **Plaintiff000179-Plaintiff000184-** page 4 missing
 - In your response, you indicated “Plaintiff’s Evidence 179- to 184 -Page 4- Missing,



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known to Plaintiff—and was never produced.” We are uncertain what this means but would request the entirety of this document, regardless of what is contained on the pages.

- **Plaintiff000277-** incomplete, unknown number of pages missing
 - You did not address this request in your response.
- **Plaintiff000291-** incomplete, unknown number of pages missing
 - We acknowledge you have produced a copy of a recent eBay website page regarding Terapeak. While Plaintiff000291 is undated, it appears this material was accessed in the past. Please confirm whether you are in possession of any additional pages from the original time this material was accessed.
- **Plaintiff000313-Plaintiff000314-** pages 2 and 4-5 missing
 - We acknowledge you corrected the order of the pages of this document and produced Plaintiff000725 to Plaintiff000726, but pages 4-5 are still missing. In your response, you indicated “Plaintiff’s Evidence 313-314 -- PLEASE NOTE There are three page titled Marilyn Monroe 1988 Vintage Michael Ochs Archive Channel Perfume Poster. Plaintiff’s Evidence 313 and -314 are out of order. Attached are the Plaintiff’s three out of five pages. The two pages not produced were page 4 and 5 were nothing more than NO IMAGE AVAILABLE logos on both pages.” We are uncertain what this means but would request the entirety of this document, regardless of what is contained on the pages.

Please produce the full and complete version of these documents as soon as possible. If you are not in possession of the additional pages being sought, please so state. To the extent that you fail to produce the complete versions of these document, WorthPoint reserves the right to object to the introduction of any such document and to move to preclude you from utilizing same.

Request No. 13: Copies of Plaintiff’s tax returns from 2010 to present.

Response to Request No. 13: Rather than producing further tax returns, you have provided a narrative regarding your income for the year 2022 and the alleged lost sale of one of your paintings, Wisteria Arbor Mandala. We are not seeking a narrative regarding your finances, we are requesting your tax returns from 2010 to present. To reiterate, this information is relevant and necessary for an analysis of alleged damages in this matter. To date the only tax returns you have produced are from 2000 and 2003. To the extent you are seeking damages in this lawsuit for alleged lost profits and diminution in earnings, as the Operative Complaint and your responses seems to imply, it is imperative that you provide us with your full tax returns from 2010 to present and provide us with duly executed unrestricted authorizations enabling us to inspect, examine and copy such IRS records.

Request No. 18: Copies of any receipts or proofs of any damages Plaintiff claims she suffered as alleged in this lawsuit.

Response to Request No. 18: In your response, you indicated that you have “submitted all requested medical records, physical therapy appointments, and doctor visits to both Defendants in April 2022.” However, to date, the only medical records you have produced are incomplete billing statements from Altman Physical Therapy Center and Russell Silver, MD. We await further medical records and particularization, including medical reports, indicating the damages you claim you sustained and the causation element the physicians attribute to our client’s conduct.



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Further, please provide us with duly executed unrestricted authorizations enabling us to inspect, examine and copy medical records from your medical providers. The HIPAA form is easily obtainable from publicly available resources and we are not obligated to send it to you. Nevertheless, as a courtesy to you, we hereby direct you to the template HIPAA authorization form, which may be located at the following location: https://www.nycourts.gov/forms/Hipaa_fillable.pdf.

To the extent you are in possession of such information and records and intentionally withhold same, or you attempt to introduce such damages at trial without producing the requested documentation, we will move to preclude you from relying upon any such information in motions and at trial.

Communications with Witnesses

During the course of discovery, it has become apparent that you have corresponded in writing with one or more of the individuals whom you have designated as non-party witnesses. Accordingly, we hereby request un-redacted copies of all written communications you have had with Mr. Chu, Mr. Goodwillie, and Ms. Ploski which in any way pertain to this lawsuit, your artwork, and your biography. To the extent you intend to withhold such documents, designate them as confidential, and/or redact them on the basis of privilege, please set forth the basis for any such withholding/redaction/designation.

We further note that there may be other issues with your responses and WorthPoint reserves the right to seek further responses as the need arises or becomes clear, and therefore reserves its rights accordingly.

We request that you confirm that you will provide the requested information and documents by no later than November 11, 2022. If there is an issue in meeting this deadline or providing complete responses to the requests itemized above, please let us know within the next week.

Thank you in advance for your attention and anticipated cooperation with respect to this matter. Should you have any questions or comments, please let us know.

Very truly yours,

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

/s/Nicole Haimson/

Nicole Haimson

cc: All counsel